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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,418	05/15/2001	Junichi Kurihara	112857-237	8950

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EXAMINER

LE, DEBBIE M

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 03/24/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,418

Applicant(s)

KURIHARA ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,8-12,14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,8-12,14 and 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicants amended claims 1, 11 and 21. Claims 3, 5, 7, 13, 15 and 17 canceled. Claims 1-2, 4, 6, 8-12, 14, 16, 17-30 are pending.

Applicants' arguments with respect to claims 1-2, 4, 6, 8-12, 14, 16, 17-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed limitation "delivery managing means for managing the delivery of a content file to a user terminal unit **with said delivery database**" was not described in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7, 9-15, 17, 19-25, 27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al (US Patent Applicant No. 2002/0078056 A1) in view of Whiting et al (US Patent 5,778,395).

As per claims 1 and 11, Hunt teaches a system for accessing attribute information of media content files distributed to a user by a media content file distribution sources comprising:

a content library (*content file database*) for storing a plurality of content files (*media; song files*) (fig. 1, # 135, ¶ 0025);

a content database identifying said content file (*the system analyze the data in the based on the user preferences database and to determine which songs to send to the user*, ¶ 0025);

library managing means for managing said content library with said content database (*song files are downloaded by the computer 140*, ¶ 0025);

a customer file database identifying customer content files (fig. 1, # 130, *preference database contains a file*, ¶ 0025);

customer file managing means for managing said customer file storing means with said customer database (fig. 1, # 100, *user's preference profile 100, in conjunction with the preference database 135*, ¶ 0025, *the user access and uses the system to updated information about the user content preferences*, ¶ 0027);

delivery database (fig. 1, 130) for storing delivery information (abstract, *a media content file distribution source, to select only 80's songs on Friday night*, ¶ 0039);

delivery managing means for managing the delivery of a content file to a user terminal unit (*music distribution service*, ¶ 0026), wherein the content managing portion and the user terminal unit are connected through a network (*music distribution system over the Internet*, ¶ 0026); and

wherein the content managing portion is operated from the user terminal unit through the network so as to manage a content file of each user (*the preference profiles of every other user*, ¶ 0025).

Hunt does not explicitly teach customer file storing means, having areas assigned to individual users, for storing content files for the individual users. However,

Whiting teaches a system for managing backup files as a **content managing system** (col. 4, line 59, col. 5, line 51). Whiting teaches other servers 105 on the network is assigned a user directory and a system directory for storing backup data (col. 7, lines 8-19). As seen, the directory structure as **customer file storing means, having areas assigned to individual users, for storing content files for the individual users.**

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because it can provides great flexibility the limitations on the storage capabilities for a customer so that the user can has full read/write accesses to his/her own directory/spaces to meet their demands.

Claim 20 is rejected by the same rationale as state in independent claims 1 and 11. Furthermore, Hunt teaches scheduling content files to be registered to the library at later time and managing the content files to be registered later as well as content files currently stored in the library (*updated information about the user's content preferences, then the system uses the information in user's content preferences file to determine what user has subscribed*, ¶ 0026).

As per claims 2, 12 and 22, Whiting teaches wherein said customer file managing means manages the areas assigned to individual users such that a user area assigned to an individual user can be accessed from only the user terminal unit of the user to whom the user area has been assigned (read/write accesses to his/her own directory, col. 7, lines 19-58); and wherein said customer file managing means processes a content file stored in the user area corresponding to a command received

from the user terminal unit of the user to whom the user area has been assigned (fig. 2, col. 24, lines 7-35).

As per claims 6, 16, Hunt teaches wherein said library managing means manages content files that are scheduled to be registered later to said library as well as content files currently stored in said library (*updated information about the user's content preferences, then the system uses the information in user's content preferences file to determine what user has subscribed*, ¶ 0026).

As per claims 8, 18 and 28, Hunt teaches wherein said delivery managing means performs a process for purchasing a content file corresponding to a user's delivery request when the content file has been registered to said library, and wherein said delivery managing means performs a process for purchasing a content file on a scheduled registration date when the content file is scheduled to be registered later (¶ 0039).

As per claims 9, 19 and 29, Whiting teaches wherein the content file purchasing process is performed by copying the content file that the user wants to purchase from said library to the user area for the user (*backup data file or content file of a user is determined and added* (fig. 2, col. 24, lines 7-35).

As per claim 4, 14, and 24, Whiting teaches wherein said customer file managing means allows the used state of the user area to be displayed by the user terminal unit of the user to whom the user area has been assigned (col. 15, lines 42-51, col. 16, lines 49-51, col. 19, lines 33-35).

As per claims 10, 20, and 30, Whiting teaches wherein an automatic delete on / off option can be designated to a content file stored in each user area, and wherein when a new content file is stored to the user area, if the storage capacity of the user area becomes insufficient, said customer file managing means deletes a content file designated with the automatic delete on option from the user area (read/write accesses to his/her own directory, col. 7, lines 19-58).

As per claims 23, 25 and 27, Whiting teaches *files on the source disk volume such as new added files, unchanged files, updated files* (col. 7, lines 63-64), as seen wherein the used state of the user area is managed with a database.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debbie Le

March 18, 2004.

DEBBIE M LE
Examiner
Art Unit 2177



GRETA ROBINSON
PRIMARY EXAMINER